

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 02-220V

Filed: August 20, 2015

(Not to be Published)

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JOSE VALLE and ANDREA VALLE,  
on behalf of their minor child,  
J.V., a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES

Respondent.

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Decision on Interim Attorneys'  
Fees and Costs

## DECISION AWARDING INTERIM ATTORNEYS' FEES AND COSTS

**HASTINGS, *Special Master.***

On March 20, 2002, Petitioners filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program ("the Program"),<sup>1</sup> alleging that J.V. was injured by a vaccine or vaccines listed on the Vaccine Injury Table. See § 14. On April 16, 2015, the parties filed a joint stipulation concerning interim attorney's fees and costs incurred in this matter. The parties' stipulation requests a total payment of \$24,000.00, representing attorneys' fees and costs. Respondent does not object to an award of this amount.

I find that an award of interim attorneys' fees and costs is appropriate in this case. Interim attorneys' fees and costs are explicitly authorized by the binding precedent of the United States Court of Appeals for the Federal Circuit. *Avera v. HHS*, 515 F.3d 1343; *Shaw v. HHS*, 609 F.3d 1372, 1374 (Fed. Cir. 2010) ("the Vaccine Act permits [an] award of interim fees and costs"); *Cloer v. HHS*, 675 F.3d 1358, 1361-62 (Fed. Cir. 2012) ("Congress made clear that

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<sup>1</sup> The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter "Vaccine Act" or "the Act"). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

denying interim attorneys' fees under the Vaccine Act is contrary to an underlying purpose of the Vaccine Act."'). *See also* Vaccine Rule 13(b).

**The request for interim attorneys' fees and costs is hereby granted.** I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- a lump sum of \$24,000.00, in the form of a check payable jointly to Petitioners and Petitioners' counsel, Edward Kraus, on account of services performed by counsel's law firm.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>2</sup>

**IT IS SO ORDERED.**

/s/ George L. Hastings, Jr.  
George L. Hastings, Jr.  
Special Master

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<sup>2</sup> Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. *See* Vaccine Rule 11(a).